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July 5, 2005

Regulatory Analysis and Development
PPD, APHIS, Station 3C71
4700 River Road Unit 118
Riverdale, MD 20737-1238

RE: Docket No. 05-015-1
Additional Comments James Clement, DVM ND board Animal Health

To Whom It May Concern:

The following are concerns regarding timelines, stages of development and the criteria needed for advancement to the next level.

- The following is text from Stages of Development, Page 18, #3 of the strategic plan. *“State officials and/or industry representatives have, or are actively seeking, legislative and regulatory authority to:*
 - b. Require the registration of premises where animals reside that are susceptible to known foreign animal diseases or diseases with State or Federal eradication programs; and*
 - c. Require identification of animals that move to a point where they are commingled with other animals.”*

Statement 3b. requires states to enact or actively seek legislation making components of the NAIS mandatory early along the timeline. Significant progress can be achieved in premises registration without mandating it through state legislatures. There is, at present, no federal legislation protecting NAIS data from FOIA inquiries. Producers are being told that the NAIS is currently a voluntary program. Mixed messages are being sent. The premature requirement of mandatory legislation, at the state level, could hinder producer acceptance and participation.

Currently there are 84,632 premises registered with the NAIS. This information is not shielded from FOIA inquiries. There needs to be an aggressive effort at the federal level to enact legislation addressing all confidentiality issues.

Statement 3c. includes a commingling requirement that needs to be redefined. This redefinition should recognize the uniqueness of grazing associations and operations that bridge state borders as described in document # 2005-0044-0342 and allow brand and group ID numbers as acceptable forms of identification.

Items 3b and 3c for reasons listed above should not stop progression to Stage II.

- Advancement to Stage III, IV and V requires 25, 60 and 80 percent of qualified animals to be identified, and the information to be reported to the National Animal Identification and Tracking Repository in accordance with the requirements of the NAIS. This needs further definition because cow-calf states that market calves seasonally will not tag qualified animals until close to time of sale. Evaluation of the reporting process that determines Stage advancement will have to understand the seasonality of cattle tagging and marketing. North Dakota is predominately a beef cow-calf state and the majority of calves are spring born. A ND example for year 2005 is as follows. On October 1, 2005 very few calves will have been reported to the NAIS repository because they haven't been sold. On December 31, 2005 40 % of reportable calves would have been sold and 45% will be fed and marketed as fed, feeder and stocker cattle January through September of 2006. Replacement females will account for approximately 15%. Evaluation of the reporting process that determines Stage advancement will have to understand the seasonality of cattle tagging and marketing.

Who will manage the NAIS databases is definitely a hot topic. The number one criteria in determining who manages should be the ability of the entity to adhere to stringent confidentiality guidelines. The second most important criteria should be guided by logistical abilities to implement the infrastructure, and costs to start and maintain the system. There are strong arguments amongst some cattle industry members that a private vendor is best suited to manage data associated with the NAIS.

There is a concerted effort, via comments submitted regarding the NAIS, to involve the Farm Service Agency (FSA). It makes sense to consider FSA as a data management vendor. FSA would be bound by the same confidentiality standards as private vendors. FSA would have an advantage regarding infrastructure logistics and costs to start and maintain the system because most of what is required already exists at FSA. The physical presence and the relationships within the agricultural community, necessary for NAIS implementation, already exists at FSA. Perhaps the strongest argument for involving FSA is premises identification and registration. Premises identification should be a core competency of FSA.

I am proposing an objective evaluation to consider FSA primarily in areas of data management, not at the administrative level.

Regards,

James C. Clement, DVM
ND Animal ID Coordinator, State Board of Animal Health